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IN THE HIGH COURT OF JUDICATURE AT BOMBAY@@
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CRIMINAL APPELLATE JURISDICTION@@
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CRIMINAL CONTEMPT PETITION NO.6 OF 2005@@
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V.A.Thorat ...Petitioner

Vs.

Anil Bhovad ...Respondent

Mrs.P.H.Kantharia, A.P.P. for the Petitioner.
Mr.M.R.Deshpande for the Respondent.
Contemnor present in the Court.

CORAM :- B.H.MARLAPALLE &@@
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NARESH H.PATIL,JJ.@@
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DATE :- 26TH SEPTEMBER,2006@@
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P.C.@@
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1.‰ This is the Contempt Petition registered at the instance of the learned Advocate General of Maharashtra against Mr.Anil Bhovad, who claims to be an Editor of "Dainik Loak Adhikar" published from Nallasopara (East), alleging that in the said news paper including its "Diwali" issue, he wrote an editorial casting aspersion against some of the Judges of this Hon'ble Court and the working of the Court in general. Notices were issued to the alleged contemnor along with the copies of publication. He appeared and Mr.Deshpande, the learned Counsel has defended the alleged Contemnor.

2.‰ The Respondent had published the said articles during the period from 19th September, 2004 to 25th September, 2004 and 26th September, 2004 to 2nd October, 2004. He had submitted a representation to the Hon'ble Chief Justice of this Hon'ble Court on 31st August, 2004. He had also published one more article in "Diwali Issue" published in November, 2004 in his news paper "Dainik Loak Adhikar" on 18th January, 2004, he had published an article titled as
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The learned Advocate General moved this Contempt Petition on or about 24th March, 2005 and notice was issued for the first time by this Court on 18th October, 2005. Mr.Deshpande, the learned Counsel for the alleged Contemnor therefore, submitted that with regard to the provisions of section 20 of the Contempt of Courts Act, 1971, the publication in Diwali Issue published in 19 November, 2004 would only for within the limitation of one year and it would not be permissible to this Court to take cognizance of the

other publications published prior to 18th November, 2004. If his plea is accepted, undoubtedly, the Respondent had published an article in "Diwali Issue" of "Dainik Loak Adhikar" in November, 2004 and cast aspersions against the working of this Hon'ble Court and some of the Hon'ble Judges as well as Court Officers. When this was brought to the notice of Mr.Deshpande and in presence of Respondent No.1, he immediately agreed to tender unconditional apology with an undertaking that in future he would not indulge in writing such articles or publication of news against the Judges or Officers of this Court or any other Sub-ordinate Courts. The undertaking has been placed on record and in the same undertaking, he has tendered an unconditional apology. He is also aware of the consequences, if he acts against the said undertaking.

3.‰ We are satisfied that the apology is bonafide and the undertaking furnished for future is reliable and we therefore, accept the same apology as well as the undertaking.

4.‰ While we hold the Respondent guilty of Contempt of Courts Act within the meaning of section 2(c) of the Contempt of Courts Act, 1971, we accept the apology tendered by the Respondent and also an undertaking that in future he would not resort to such publications, which would cast aspersions against any Judge, Presiding Officer or Court Officer of this Court as well as any Sub-ordinate Court and on the basis of this apology and undertaking, we are satisfied that ends of justice would met if the alleged Contemnor is scot free on the basis of the apology and the undertaking.

5.‰ We order accordingly. The Contempt Petition stands disposed of.

(NARESH H.PATIL,J.) (B.H.MARLAPALLE,J.)@@
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